

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KENNETH CURRY, RICARDO MAZZITELLI,
JACQUELINE BROWN PILGRIM, on behalf of
themselves and other similarly situated,

Plaintiffs,

- against -

P&G AUDITORS AND CONSULTANTS, LLC;
GRC SOLUTIONS, LLC; PGX, LLC; AND APPLE
BANCORP, INC. d/b/a APPLE BANK FOR
SAVINGS,

Defendants.

Case No. 20-cv-6985-LTS-SLC

**DECLARATION JULIA H. KLEIN, ESQ. IN OPPOSITION TO APPLE BANK'S
MOTION FOR SUMMARY JUDGMENT**

I, Julia H. Klein, Esq., affirm under the penalties of perjury as follows:

1. I am a partner of Klein Law Group of New York, PLLC ("KLG") in New York, New York, counsel of record for Plaintiffs in this matter. KLG is an employment litigation firm based in New York City that represents plaintiffs in a variety of employment matters, including individual and class action litigation involving wage and hour, discrimination, and harassment claims, as well as contract and severance negotiations.

2. I am primarily responsible for prosecuting Plaintiffs' claims.

3. I submit this Declaration to place before the Court certain facts and documents relied upon by Plaintiffs in their in opposition to Defendant Apple Bancorp, Inc.'s ("Apple Bank") motion for summary judgment.

4. Plaintiffs filed this Action on or around August 27, 2020. Attached hereto as Exhibit A is a true and correct copy of Plaintiffs' Complaint.

5. Defendant Apple Bank filed an answer and affirmative defenses on or around October 15, 2020. Attached hereto as Exhibit B is a true and correct copy of Defendant Apple Bank's Answer and Affirmative Defenses.

6. Defendants P & G Auditors and Consultants, LLC, ("P&G"), GRC Solutions, LLC ("GRC"), PGX, LLC ("PGX") (collectively, "Contractor Defendants") filed an untimely answer on or around December 21, 2020. Attached hereto as Exhibit C is a true and correct copy of the Contractor Defendants' Answer and Affirmative Defenses. Along with their answer and affirmative defenses, the Contractor Defendants have retaliated against Plaintiffs by filing cross claims against them personally, and their corporate entities, even though such cross claims violate public policy. Clearly, Contractor Defendants are trying to send a message to members of the putative class not to exercise their statutorily protected rights by filing actions to vindicate their right to receive overtime compensation. Plaintiffs have not yet filed a responsive pleading with respect to the cross claims.

7. On or around December 16, 2020, Plaintiffs filed a motion pursuant to 29 U.S.C. § 216(b) to seek collective action certification of this lawsuit and to authorize the dissemination of a notice to members of the collective which alerts them of their rights to opt-in and become a party plaintiff to this action. None of the Defendants have filed their opposition to this motion and the Court has not yet issued a decision with respect to the motion.

8. Formal discovery has not yet commenced. The parties have not taken or noticed a single deposition, no party has served document requests or interrogatories, and except for the documents appended to Apple Bank's motion for summary judgment, not a single document has been formally exchanged. The parties have not even served initial disclosures pursuant to Rule 26 of the Federal Rules of Civil Procedure.

Dated: Stamford, Connecticut
January 19, 2021

Respectfully submitted,

KLEIN LAW GROUP OF NY PLLC

By: /s/ Julia Klein

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